

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMIE S., on behalf of the class,

Plaintiffs,

v.

Case No. 01-C-928

MILWAUKEE PUBLIC SCHOOLS, et. al.,

Defendants.

FINAL PRETRIAL ORDER REGARDING PHASE III

On October 28, 2008 this court held a final pretrial conference to discuss the Phase III court trial in this matter, scheduled to begin November 6, 2008 at 9:00 AM. Appearing at the conference were attorneys Jeffrey D. Spitzer-Resnick and Monica M. Murphy for the plaintiffs and attorneys Michael Aldana and Autumn M. Kruse for the MPS defendants. Based upon the parties' pretrial submissions and the argument and discussion at the conference, the court now enters the following pretrial order that shall govern the proceeding in this case:

(1). Parties shall provide a copy of all exhibits to the court for the court's use at least one day before trial. Numbering for exhibits shall start at 400, except for exhibits that are "updated" from Phase II. The updated exhibits shall retain the same number with the letter "A" added.

(2). Any requests for real-time transcription services must be arranged with the court reporter. The court believes that the court reporter will be John Schindhelm, who may be contacted at 414-861-8777.

(3). The trial day shall begin at 9:00 AM and continue to 5:00 PM with roughly one hour for lunch. No court shall be held on November 11, 2008.

(4). The court denies the plaintiffs' oral motion to strike MPS' proposed remedy.

(5). The parties shall each be permitted up to 10-minutes for an opening statement.

(6). Each party is ultimately responsible for the production of any witness that the party will call to testify.

(7). Any objection to the authenticity of the opposing party's exhibit shall be raised in advance of trial.

PLAINTIFFS' MOTIONS IN LIMINE

For reasons stated more fully on the record, the court now enters the following orders regarding the plaintiffs' motions in limine:

Plaintiffs' Motion in Limine One. (Docket No. 518), to bar any evidence proffered by the MPS defendants which attempts to contradict the findings of fact and conclusions of law set forth in this court's decision, dated September 11, 2007," is **denied without prejudice**. The court shall not permit re-litigation of findings of fact and conclusions of law as set forth in its September 11, 2007, Decision and Order. Any objections should be raised at the appropriate time, if necessary.

Motion in Limine Two, (Docket No. 518), "to bar any evidence proffered by the MPS defendants which attempts to contradict or otherwise supplements their responses to Plaintiffs' Ninth Set of Interrogatories and Request for Production of Documents," is **denied without prejudice**. Any objections should be raised at the appropriate time, if necessary.

Motion in Limine Three, (Docket No. 518), "to bar any evidence related to the court's previously approved settlement between the plaintiffs and the Wisconsin Department of Public Instruction," is **denied without prejudice**. Any objections should be raised at the appropriate time, if necessary.

Motion in Limine Four, (Docket No. 518), to bar any evidence related to MPS students Greg ID #6557465 and Pheng ID # 7486383," is **denied**. **MPS shall provide these student files to the plaintiffs no later than 5:00 PM on October 29, 2008.**

MPS' MOTIONS IN LIMINE

For reasons stated more fully on the record, the court now enters the following orders regarding MPS' motions in limine:

MPS' First Motion in Limine to Exclude the Testimony and 2008 Expert Report of Diana Rogers-Adkinson, (Docket No. 522), is **denied**.

MPS' Second Motion in Limine to Exclude Evidence Related to Biagio R., (Docket No. 524), is **granted**. Upon review of the court's decision of September 11, 2007, Biagio R. fits into the category the court described as an individual violation, but not a systemic violation. Phase III is limited to considering remedies for the systemic violations found by the court.

MPS' Third Motion in Limine to Exclude Evidence Related to Melanie V., (Docket No. 525), is **denied**.

MPS' Fourth Motion in Limine to Exclude Evidence Falling Outside of the Relevant Time Period, (Docket No. 527), is **granted in part and denied in part**. The motion is granted as far as suspension data for the period subsequent to June 30, 2005. As for the rest, the motion is denied without prejudice. Any objections should be raised at the appropriate time, if necessary.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 28th day of October 2008.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge